

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 27771 of 2015 (V)

PETITIONER(S) :-

AHAMMED ABDULLA,
ERUPPAKKOTTIL HOUSE, PERINGALA P.O., ERNAKULAM.

BY ADVS.SRI.BECHU KURIAN THOMAS (SR.)
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN

RESPONDENT(S) :-

1. THE DISTRICT POLICE CHIEF, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE
AMBALAMEEDU POLICE STATION, ERNAKULAM.
3. MEETHEEN KUNJU
S/O.MUHAMMED, ERUPPAKKOTTIL HOUSE, PERINGALA P.O.
ERNAKULAM - 683 565.
4. NIYAZ E.M
S/O.MEETHEEN KUNJU, ERUPPAKKOTTIL HOUSE
PERINGALA P.O., ERNAKULAM - 683 565.
5. ABU
S/O.PATHUMMA, ERUPPAKKOTTIL HOUSE, PERINGALA P.O.,
ERNAKULAM - 683 565.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 27771 of 2015 (V)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE COY OF THE ENVIORNMENTAL CLEARANCE CERTIFICATE
DATED 9.6.15 ISSUED BY THE SEIAA TO THE PETITIONER.

EXT.P2- TRUE COPY OF THE NOC DATED 1.9.2015 ISSUED BY THE
DISTRICT COLLECTOR TO THE PETITIONER.

EXT.P2(a) - TRUE ENGLISH TRANSLATION OF EXT P2.

EXT.P3- TRUE COPY OF THE PRMIT DATED 8.9.2015 ISSUED BY THE
DISTRICT GEOLOGIST.

EXT.P4- TRUE COPY OF THE COMPLAINT DATED 12.9.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P4(a) - TRUE COPY OF THE RECEIPT DATED 12.9.2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
K. VINOD CHANDRAN, J.**

W.P.(C) No.27771 of 2015

Dated this the 17th day of September 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. Though notices were issued to respondents 3 to 5, no one entered appearance on their behalf.

3. Petitioner's case in the writ petition is that he had obtained necessary licence for removal of earth from his property including Environmental Clearance from the State Environment Impact Assessment Authority.

4. Learned Government Pleader submits that the petitioner is also required to have transit pass for transporting the removed earth.

5. Learned counsel for the petitioner submits that the petitioner had already obtained transit pass and unnecessary obstruction is being created by respondents 3 to 5, with regard to which, police protection may be granted.

6. Considering the fact that the petitioner had obtained all necessary permit/licence, the 2nd respondent shall ensure that no

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obstruction is being created by respondents 3 to 5 or anyone acting under them in the petitioner carrying out his work as per necessary licence/permit.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
K. VINOD CHANDRAN
JUDGE

Jvt/18.9.2015.